

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
Kevin & Diane Lynch	:	Chapter 13
	:	
Debtor (s)	:	Case No.: 16-12691MDC

MOTION TO MODIFY PLAN AFTER CONFIRMATION

The Debtors, by and through their undersigned counsel, hereby moves this Honorable Court to modify their Chapter 13 Plan and in support thereof avers as follows:

1. Debtors filed a Chapter 13 Bankruptcy on or about April 15th, 2016.
2. The Chapter 13 filing was assigned case number 16-12691MDC.
3. At the time of filing, Mr. Lynch had been gainfully employed as a sales manager, making more than two hundred thousand dollars per year.
4. This high degree of income is reflected in the six month of income prior to filing, that was used in the Means Test calculation of their projected disposable income.
5. Due to the Debtors' high disposable income at the time of filing and confirmation, their Chapter Plan was confirmed at a 100% payback to the unsecured creditors.
6. Unfortunately, in April of 2017, Mr. Lynch suffered a series of strokes.
7. This caused him to go out of work on disability in order to regain his health.
8. When he was eventually able return to work, his employer had dramatically cut his salary down to \$50,000.00 per year.

9. Subsequently after the salary reduction with his previous employer, the Debtor in August of 2017 was able to obtain gainful employment at Comcast, however still significantly less than his income at the time of filing of his Bankruptcy.

10. Due to the Debtor's health condition and reduction in income, the Debtors fell behind in their Plan payments.

11. Additionally, the Debtors have made the financial decision to surrender their home, and have begun renting in order to save money.

12. Thankfully the Mr. Lynch is set to begin receiving private disability in the amount of \$8,688.64 per month starting in November of 2017.

13. The Debtors and their Counsel have worked together to update the Debtors' income and expenses. Please see attached Schedules I & J marked as "**Exhibit A.**"

14. The Debtors through their Counsel have created a proposed modified Chapter 13 Plan that surrenders their interest in their real estate, continues to pay back their unsecured creditors 100%, and will allow the Debtors to complete their Bankruptcy Plan in good faith. Please see attached proposed modified Plan marked as "**Exhibit B.**"

15. The Debtors are in need of a modified Plan to reflect their current financial situation, and to formally surrender their real estate.

WHEREFORE, the Debtors request that they be permitted to modify their Chapter 13 Plan for the above stated reasons.

Dated: October 26, 2017

/s/Brad J. Sadek, Esq.
Brad J. Sadek, Esq.
Attorney for Debtor
1315 Walnut Street
Suite #502
Philadelphia, PA 19107